

REMARKS

In the above-identified Office Action, claims 1-12 have been rejected under 35 U.S.C. § 112 based the inclusion of the words "can be." Applicant has amended claim 1 so that it now recites "the specimen is capable of being brought into a plurality of rotational positions," emphasizing that this is a part of the preamble as the claim next goes on to recite "the method comprising the steps of.....". As such, applicant believes that the method of this subject invention is clearly delineated.

Claims 1, 2, 11 and 12 have been rejected as anticipated by the article by Evans, et al, while claims 3-10 have been rejected as being obvious over the same article to Evans, et al. Applicant has amended claim 1 so that it now includes the restrictions of claim 5 thereby obviating the rejection under 35 U.S.C. § 102(b). With respect to the rejection under 35 U.S.C. § 103, Evans et al. states that their suggested procedure requires that the errors be fit to some assumed form. However, Evans, et al do not mention a concrete method with which the values may be determined at the m and n positions. Evans, et al are of the opinion that such a procedure has shortfalls when compared with their procedure and this teaches away from it.

The subject invention requires neither an acceptance over the contributions of error nor a mathematically complex fitting procedure or fit procedure which can be expected. Only the simplest mathematical operations are presupposed, such as subtraction and division. The accuracy of the results is very high and the method is not so time consuming and expensive.


Thus, even though Evans, et al, points out that a test procedure at m and n positions is possible, such a procedure requires one to fill in them missing detail with expensive algebra and software, thus, a skilled man in the art would not derive the subject invention from the short discussion by Evans, et al.

Applicant hereby requests reconsideration and re-examination thereof.

With the above amendments and the remarks, this application is considered ready for allowance, and Applicants earnestly solicit an early notice of same. If the Examiner believes that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned attorney at the telephone number listed below

Dated: June 10, 2004
WELSH & KATZ, LTD
120 S. Riverside Plaza
22nd Floor
Chicago, Illinois 60606-3913
Telephone: 312/655-1500

Respectfully submitted,


Gerald T. Shekleton
Registration No. 27,466